

Fidelity and Deposit Company of Maryland

Home Office: P.O. Box 1227, Baltimore, MD 21203-1227

Bond No. CGB 7591013

UNDERTAKING ON TEMPORARY INJUNCTION

United States District Court
Southern District of New York

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/27/07

Peter Beard Studio, LLC,

Plaintiff,

Civil Action No. 07 Civ. 3184 (LSS)

v.

Luca Giussani and Arne Zimmerman,

Defendants.

WHEREAS, on the 20th day of April, 2007, the Plaintiff, the above named, was granted a temporary injunction upon the posting of security in the amount of \$10,000.00, in the above entitled action, restraining the Defendants from doing certain things as more fully set forth in the order by Louis L. Stanton, United States District Judge.

NOW, THEREFORE, the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, having an office and principal place of business for the State of New York at 105 E. 17th Street, New York, New York 10003, does hereby, pursuant to the Statute in such case made and provided, undertake that the Plaintiff will pay to the Defendants so enjoined, such damages and costs not exceeding the sum of Ten Thousand and No/100---(\$10,000.00)---Dollars as it may sustain by reason of the injunction, if the Court shall finally decide that the Plaintiff was not entitled thereto; such damages and costs to be ascertained by a reference, or otherwise as the Court shall direct.

DATED: April 26th, 2007

Fidelity and Deposit Company of Maryland

By: Annie Sawh
Annie Sawh, Attorney-in-fact

Approved 4/26/07
J. Michael M. Mullen
Clerk
By: RL
Apr 16/07

ACKNOWLEDGMENT OF SURETY

STATE OF NEW YORK }

COUNTY OF New York }

SS:

On the 26th day of April in year 2007 before me personally came

Annie Sawh to me known, who being by me duly sworn, did

depose and say that he/she resides at 105 E. 17th Street, New York, N.Y., 10003,
that he/she is the Attorney-in-Fact of Fidelity and Deposit Company of Maryland, the
corporation described in and which executed the above instrument; that he/she knows the corporate seal of said
corporation, that the seal affixed to such instrument is such corporate seal: that it was so affixed by order of the
Board of Directors of said corporation, and, that he/she signed his/her name thereto by like order; and that said
corporation is duly authorized to transact business in the State of New York in pursuance of the statutes of such
case made and provided, that the Superintendent of insurance of the State of New York, has, pursuant to Chapter
28 of the Consolidated Laws of the State of new York, known as the Insurance Law, issued to

Fidelity and Deposit Company of Maryland

a Certificate of Solvency and qualification to become surety or guarantor on all bonds, undertakings,
recognizances, guaranties and other obligations required or permitted by law and that such certificate has not been
evoked.



Notary Public

COLETTE M. BLAKIE
Notary Public, State of New York
No. 314909857
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires December 16, 20 10

Bond Number: CGB7591013

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Annie Sawh, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number CGB7591013, issued on behalf of Peter Beard Studio, LLC, as Principal in a penalty not to exceed the sum of Twelve Thousand and Zero Cents (\$ 12,000) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the next page hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 26th day of April, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

By:

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland } ss:
County of Baltimore }

On this 26th day of April, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Stephen G. Moxley

Stephen G. Moxley Notary Public
My Commission Expires: November 1, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 26th day of April, 2007.



L.L. Goucher

Assistant Secretary





FIDELITY AND DEPOSIT COMPANY

OF MARYLAND
3910 KESWICK ROAD, BALTIMORE, MD 21203

Statement of Financial Condition As Of December 31, 2005

ASSETS	
Bonds	\$ 145,517,856
Stocks	40,373,936
Cash in Banks and Offices	155,000
Reinsurance Recoverable	14,122,203
Other Accounts Receivable	13,661,802
TOTAL ADMITTED ASSETS	\$ 213,830,797
LIABILITIES, SURPLUS AND OTHER FUNDS	
Reserve for Taxes and Expenses	\$ 801,854
Ceded Reinsurance Premiums Payable	26,186,851
TOTAL LIABILITIES	\$ 26,988,705
Capital Stock, Paid Up	\$ 5,000,000
Surplus	181,842,092
Surplus as regards Policyholders	186,842,092
TOTAL	\$ 213,830,797

Securities carried at \$33,398,073 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2005 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$212,087,289 and surplus as regards policyholders \$185,098,584.

I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2005.

Corporate Secretary

State of Illinois }
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 20th day of March, 2006.

Notary Public



Disclosure Statement



Court Bonds - BO

ZURICH AGENT/BROKER COMPENSATION DISCLOSURE

Dear Policyholder:

On behalf of Zurich, we are glad you have chosen us as your insurance company. We look forward to meeting your insurance needs and want you to understand clearly our business relationship with the agent or broker you chose to represent your company's interests in the placement of insurance coverages.

As is the case with many insurance companies in the United States, Zurich distributes many of its insurance products through agents or brokers. This means that your agent or broker is not employed by Zurich and, in fact, may represent many insurance companies. Because we do not employ your agent or broker, the way they are compensated may vary. We recommend you discuss these arrangements with your agent or broker.

Like many other insurers, when Zurich compensates your agent or broker, they may receive two types of payments. The first type of compensation is known as "base commission," and the second is called "contingent compensation."

For an explanation of the nature and range of compensation Zurich may pay to your agent or broker in connection with your business, please go to <http://www.zurichna.com>. Click on the information link located on the Agent/Broker Compensation Disclosure section. Where appropriate, insert the Access Code provided below, and you will be able to view this information. Alternatively, you may call (877) 347-6465 to obtain this type of information.

Thank you.

Access Code: 2016104473